



Planning Board

**TOWN OF ACTON**

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**DRAFT**

**AMENDMENT #7  
OF DECISION  
02-06**

**DRAFT**

**Quail Ridge Country Club**

Special Permit for a Golf Course in a Residential District

May 10, 2005

This amends Decision #02-06 of the Planning Board (the Board) issued to NorthWest Development LLC/Quail Ridge Country Club LLC (the Applicant) on May 20, 2002, including Amendments #1 (6/24/02), #2 (2/25/03), #3 (9/25/03), and #4 (3/23/04), #5 (8/10/04), and #6 (2/11/05) (together the Original Decision).

This amendment follows discussions with the Applicant that extended over public meeting sessions since the fall of 2004 concerning the Applicants inability to attain Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program as required in paragraph 3.2.4 of the Original Decision.

This amendment was acted upon at the May 10, 2005 public meeting of the Board. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Stacy S. Rogers, Christopher R. Schaffner, Edmund R. Starzec, and Gary R. Sullivan were present. The minutes of this and prior meeting, and of the materials on which this amendments is based upon may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Nov. 23, 2004 letter from Jay R. Peabody, Graham & Harsip, P.C. re: Quail Ridge Country Club/Audubon International.
- 1.2 Correspondence between Howard A. Jack, Audubon International and Steven R. Graham, Graham & Harsip, P.C. dated Dec. 13 and Dec. 20, 2004, and Jan. 5, 2005.
- 1.3 Memorandum dated Feb. 2, 2005 from Jay R. Peabody of Graham & Harsip, P.C. regarding Environmental Monitoring/Quail Ridge Country Club with attachments.
- 1.4 March 2, 2005 Draft Scope and Fee Estimate for Environmental Review Services to Quail Ridge Country Club, prepared by Michael J. Toohill, of ENSR.
- 1.5 March 11, 2005 letter from Jane Ceraso of the Acton Water Supply District re: 'shift in oversight responsibilities for environmental monitoring at the Quail Ridge Country Club'.
- 1.6 April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club, prepared by Michael J. Toohill of ENSR.

- 1.7 Solicitation for comment on April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club, by Roland Bartl, Town Planner, dated April 29, 2005.
- 1.8 Reply to April 29, 2005 solicitation for comment on April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club from Jim Deming, Manager of the Acton Water Supply District.
- 1.9 Miscellaneous other correspondences and memos on the subject matter by Town of Acton staff, ENSR staff, and QRCC representatives since the Fall 2004 into Spring 2005.

## **2 FINDINGS AND CONCLUSIONS**

- 2.1 Paragraph 3.2.4 of the Original Decision states:  
" QRCC shall seek at a minimum and shall seek to maintain Bronze Membership status at all times. Upon initial acceptance and annually thereafter, QRCC shall file with the Board proof of Bronze certification by Audubon International. If for any reason, QRCC should fail or be unable to achieve Bronze certification within three years from the date of this decision, or fail or be unable to achieve Bronze re-certification at any time thereafter, QRCC shall notify the Board immediately with an explanation why certification or re-certification was not obtained. The Board reserves the right to require as a condition of compliance with this Special Permit that QRCC shall take the necessary and reasonable steps to achieve Audubon International Bronze certification, or if the Board finds that this is not possible or practical, to require alternative mechanisms that will ensure annual environmental audits."
- 2.2 It has now become apparent that Quail Ridge Country Club will not and cannot achieve Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program. Three years from the date of the Original Decision, it is therefore time to implement alternative mechanisms for environmental audits as contemplated in paragraph 3.2.4 of the Original Decision.
- 2.3 This amendment is made in accordance with paragraph 3.3.5 of the Original Decision wherein the Board reserves its right for amendments and modifications. It further implements and specifies a provision of the Original Decision and therefore is within its scope and does not require a new public hearing.

## **3 BOARD ACTION**

Therefore, the Board voted (insert vote results) to AMEND the Original Decision as set forth below. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Paragraph 3.2.4 of the Original Decision is hereby deleted and replaced with the following new paragraph 3.2.4:

- 3.2.4 QRCC shall retain a professional consultant with experience in environmentally responsible management of golf courses who shall perform the following annual auditing and reporting tasks as developed on April 12, 2005 by the Board's consultant in this matter (Michael J. Toohill of ENSR):

### **Task 200 IPM/TM Peer Review**

Since the outset of this project the Acton Planning Board had looked towards the Audubon International (AI) Signature Program as the peer reviewer of the ongoing Integrated Pest Management/Turf Management program at the course. It was also assumed that AI would provide environmental audit services of the operations at the course. Conditions 2.8 and 3.2.4 of the Planning Board Special Permit and Special

Condition 53 of the Order of Conditions issued by the Acton Conservation Commission establishes the need for enrollment in the AI Signature Program "Bronze" level.

We understand that AI will not be providing these services and that the Planning Board is seeking an alternative peer reviewer for these issues. ENSR is prepared and qualified to offer these services using the team assembled for the initial peer review. To accomplish this, ENSR proposes to conduct on-site reviews twice a year (May and October). The reviews would be accomplished by a team which includes the Quail Ridge Golf Course Superintendent, a golf course superintendent from another local facility using IPM/TM practices and/or an IPM expert, and an environmental audit professional from ENSR. The on-site reviews would be conducted with advance notice to the Quail Ridge Superintendent.

The review will incorporate the following tasks:

1. Look at the ongoing operational IPM/TM practices.
  - a. Scouting reports
  - b. Local environmental conditions
  - c. Pathogen diagnosis
  - d. Soil analysis
  - e. Tissue analysis
2. Conduct visual inspections of the equipment maintenance area.
  - a. Oil/solvent disposal
  - b. Parts wash station
  - c. Fuel tanks
  - d. Overall appearance of equipment maintenance area
3. Inspect equipment washdown areas.
  - a. Runoff of clippings and wash water contained/recycled
  - b. Assure that washdown system is functional
4. Review pesticide/fertilizer storage, mixing, and recordkeeping procedures.
5. Review irrigation system leak detection and maintenance plan.
6. Review water conservation practices.
  - a. Pumphouse flow meters
  - b. Monthly withdrawal records
  - c. Irrigation system computer
7. Conduct on-course inspections of areas in close proximity to environmentally sensitive receptors.
  - a. Turfgrass/native grass buffer zones are working properly
  - b. Runoff should be detained before wetland areas

**DRAFT**

ENSR will prepare a summary report of each site visit for submission to the Planning Board, the Conservation Commission, the Board of Health, The Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report will identify any deficiencies noted during the site visit and the steps recommended to correct each deficiency.

In addition to the on-site reviews, ENSR will review the water quality and quantity information being submitted to the Town for compliance with the Special Permit and Order of Conditions (Special Conditions 78 and 96). The ENSR team will also review the annual IPM/TM reports which the Quail Ridge Superintendent will be submitting annually to the Town (Special Condition 88). ENSR will prepare a letter report of its review findings for submission to the Planning Board, the Conservation Commission, the Board of Health, the Acton Water Supply District, and the Quail Ridge Country Club

Superintendent. This report will identify any recommended changes to the upcoming year's IPM/TM plan.

Quail Ridge Country shall inform the Board of its choice of consultant it has retained to perform this task, and of any subsequent selections of different or new consultants, and shall provide to the Board the consultants' resumes and other relevant information to document his/her qualifications to perform this task. The Board reserves the right to reject any such consultant selection if the documentation submitted does not provide reasonable evidence that the chosen consultant possesses the expertise and experience to perform this task to the satisfaction of the Board. In the event of a consultant rejection by the Board, Quail Ridge Country Club shall reopen its search and select another consultant as quickly as possible.

Signed on behalf of the Acton Planning Board

**DRAFT**

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Roland Bartl, AICP, Town Planner

Copies to:

Applicant  
Town Engineer  
Natural Resource Director  
Town Assessor

Building Commissioner  
Municipal Properties Director  
Town Manager

Board of Health  
Town Clerk  
Fire Chief

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## Roland Bartl

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**From:** Steven Graham [Steven@graham-harsip.com]  
**Sent:** Wednesday, April 27, 2005 10:24 AM  
**To:** Roland Bartl  
**Cc:** johnB0707@aol.com; buddypeabody@comcast.net; mtoohill@ensr.com; Jay Peabody; jenn@nwdevelopment.com  
**Subject:** Quail Ridge Decision Amendment



Steven Graham.vcf  
(492 B)

Good Morning Roland,

My thanks to you and the Board on your and their effort and cooperation in addressing and resolving the issue of the on going monitoring at QR. We appreciate the Boards vote to amend the Decision to allow ENSR to serve as the alternative monitor.

I think the collaboration between the Board and my client, through you, Mike Toolhill and John Bresnahan, is a good example of how the interests of the Town and a responsible developer can be met in a way that works for both parties.

John and Mike will be addressing the comments in the letter from the Water District which Stacey brought to everyones attention last night.

Could you let me know when you have contacted Cons Comm and the Water District and gotten whatever input you feel is necessary to proceed with the Amendment. Could you also provide me with a draft of the Amendment for my review when it is ready.

Thanks again,  
Steve

Steven R. Graham, Esq.  
Graham & Harsip, P.C.  
289 Great Road, Suite 101  
Acton, MA 01720  
978-264-0480  
fax 978-264-4990

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**Roland Bartl**

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**From:** Jim Deming [jim@actonh2o.com]  
**Sent:** Friday, April 29, 2005 3:04 PM  
**To:** Roland Bartl; Conservation Commission; Health Department; Jane Ceraso  
**Subject:** RE: Quail Ridge Country Club - Annual Audit/Peer Review

Roland,

Thank you for the opportunity to review ENSRs proposal. I would like to ask if, under task 200, the Acton Water District could be added to the list of organizations that will receive a "summary report" following each site visit? We appreciate that the Planning Board is going to forward the District a copy of the annual report but would also like the consultant to be responsible for seeing that we receive the site visit reports as well.

Thank you,

Jim Deming

-----Original Message-----

**From:** Roland Bartl [mailto:rbartl@acton-ma.gov]  
**Sent:** Friday, April 29, 2005 2:38 PM  
**To:** Conservation Commission; Health Department; Jane Ceraso; Jim Deming  
**Subject:** Quail Ridge Country Club - Annual Audit/Peer Review

Attached please find the proposed scope of work for the annual audit or peer review for QRCC (Task 200 in attached document). Once approved, it will replace, or be substitute for, QRCC's membership in Audubon International's Bronze Signature Program.

The purpose of the audit is to review QRCC's operations, including site visits, as they relate to practices and techniques that affect environmental resources on or near the site, and to report the findings annually to Town Boards and the Acton Water District. The purpose is not another layer of regulatory oversight exercised by the monitoring agent. Rather, Town Boards and Committees can review the annual reports and raise any concerns they might have directly with QRCC.

The Planning Board has reviewed the proposed audit scope at its meeting on 4/26 and found it generally acceptable, but wanted to be sure you had a chance to see it and comment before the Planning Board finalizes it.

Please return your comments to me by e-mail on or before May 5, 2005.

Thank you

*Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-0036*

4/29/2005

## Roland Bartl

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**From:** Roland Bartl  
**Sent:** Friday, April 29, 2005 2:38 PM  
**To:** Conservation Commission; Health Department; 'Jane Ceraso'; Jim Deming  
**Subject:** Quail Ridge Country Club - Annual Audit/Peer Review



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The Planning Board has reviewed the proposed audit scope at its meeting on 4/26 and found it generally acceptable, but wanted to be sure you had a chance to see it and comment before the Planning Board finalizes it. Please return your comments to me by e-mail on or before May 5, 2005.

Thank you

Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

April 12, 2005

Ron Peabody  
Manager  
Quail Ridge Country Club LLC  
178 Great Road  
Acton, MA 01720

**Re: Scope and Fee Estimate  
Environmental Review Services Related to Quail Ridge Country Club  
Acton, Massachusetts**

Dear Mr. Peabody:

At the request of the Town of Acton Planning Board and Conservation Commission, ENSR is pleased to provide additional peer review services related to the eighteen-hole Quail Ridge Country Club golf course currently under construction. We have prepared this proposed scope and fee estimate based upon the results of our meetings with Town officials and representatives from Quail Ridge Country Club which were held on February 22, March 1, March 22, and April 6, 2005. We have also reviewed the Order of Conditions, Planning Board Special Permit, and DEP Administrative Consent Order for the project. We have been asked by the Town to contract directly with Quail Ridge for these services, and to report our findings both to the Town and Quail Ridge.

Since March of 2002, ENSR provided document peer review services to the Town on your project on a Time and Materials basis. I have attached a table showing the rates for key staff that were included in that contract and added a rate for mid-level staff. We propose to use these rates for the remainder of FY2005 (through June 30, 2005) and will discuss rate adjustments with you before implementing them in subsequent fiscal years.

We have separated our proposed services into two tasks: the Environmental Monitor task for the Conservation Commission, and the IPM/TM peer review task for the Planning Board.

#### **Task 100 Environmental Monitor**

Special Condition 57 of the Order of Conditions issued by the Acton Conservation Commission for the project establishes the need for an Environmental Monitor for the project. This condition states that the Environmental Monitor should be available for an average of 8 to 12 hours per week of service during the construction period. We understand that the construction period for the golf course and driving range will re-commence this month and will last until late June (12 weeks). We have therefore assumed a budget of 120 hours of Junior Staff time (for either an environmental scientist or a civil engineer) plus expenses for the construction monitoring phase.



We have added two days (16 hours) of Mike Toohill's time for project initiation and supervision and an allocation of 24 hours for a soil scientist (mid-level staff).

Following construction the Environmental Monitor is to be available "for a reasonable amount of time as necessary for the review of course operations and submittals from the Applicant". Other Special Conditions (including, but not limited to numbers 45, 47, 78, 88, 89, 90, and 93) detail the types of operational phase reports, inspections, and schedules that relate to Environmental Monitor services. For budgeting purposes we have assumed that 40 hours of service per year for two operational years following construction (roughly July 2005 through July 2007). A variety of Senior Staff will be used for this phase of services; therefore we have assumed an average billing rate of \$125 per hour (plus expenses) for this phase of service.

Estimated Cost of Task 100	\$24,000.00
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#### **Task 200 IPM/TM Peer Review**

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Because this effort has been scoped as an ongoing condition of operation, ENSR has prepared an annual cost estimate. The cost estimate will be adjusted annually based on a mutually-agreed-upon inflation index (such as the Consumer Price Index).

Annual Estimated Cost of Task 200 (Year 1)	\$10,400.00
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### **Schedule**

ENSR can commence field investigations upon execution of this Letter Agreement. We propose to hold a kick-off meeting with your site superintendent this week.

### **Compensation/Terms and Conditions**

ENSR will perform the above tasks on a Time and Materials basis in accordance with the

attached Commercial Terms, General Conditions, and Service Constraints. ENSR will not exceed the estimates given without your prior consent. ENSR will only charge for services performed.

Thank you for considering ENSR to provide these services. If this proposal is acceptable, you can authorize us to proceed on this project by signing below in the space provided. Please retain one original for your files and return one copy to us for our records. We will forward an executed copy of the contract to the Planning Board and Conservation Commission. Please call me if you have any questions.

Sincerely,

Michael J. Toohill  
Project Manager

Attach:        Commercial Terms  
                 General Conditions

### Rate Table for Peer Review Services

Name	Title/Function	Rate
<b>ENSR</b>		
Michael Toohill	Project Manager and Water Quality/Quantity Specialist	\$135.00
Dennis Lowry	Principal Wetland Scientist	\$135.00
David Nyman, PE	Hydrogeologist/ Environmental Engineer	\$120.00
Don Schall	Senior Wildlife Biologist	\$110.00
Mid-Level Staff	(flat rate for all categories)	\$85.00
Jr. Staff	(flat rate for all categories)	\$75.00
Administrative Staff	(flat rate for all categories)	\$50.00
<b>William Torello, PhD</b>	IPM/TM Specialist	\$150.00
<b>Peter Ohlson, CGCS</b>	Construction and Operations	\$100.00

Roland Bartl, AICP, Town Planner  
Acton Planning Department  
472 Main Street  
Acton, MA 01720

Thomas Tidman, Conservation Commission Administrator  
Acton Conservation Commission  
472 Main Street  
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